THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13424 of 2007

02.7.2007

Between:

Yedida Krishnamurthy, S/o.Sanyasi Raju

… Petitioner

AND

The Government of Andhra Pradesh, Revenue (J.A.) Department, Secretariat, Hyderabad, represented by its Secretary

And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner claims to be member of Yedida family of Yalamanchili. It is his case that Yedida family purchased Kesavaram Agraharam within Goluguda Zamindari from Rayaprolu Suramma. The Agraharam was leased out to Yelishetti Satyanarayana and others, who were recognized as tenants. The Agraharam was determined as inam estate under Section 2 of Madras Estate Lands act, 1940. Against the said order of the third respondent, the owner filed an appeal before Estates Abolition Tribunal, Visakhapatnam, which was dismissed. Thereafter, the first respondent notified the village under Section 1(4) of Andhra Pradesh (Andhra Area) Abolition of Estates and Conversion Into Ryotwari Act, 1948 (Estates Abolition Act, for brevity), vide G.O.Ms.No.2148, dated 25.11.1958. Against the same, T.A.S.No.21 of 1960 was filed before the Estates Abolition Tribunal. The appeal was allowed and it was reaffirmed that Kesavaram is not inam estate. The tenants then filed W.P.No.1253 of 1961, which was dismissed. Therefore the first respondent issued G.O.Ms.No.1761, dated 17.11.1964, cancelling G.O.Ms.No.2148, dated 25.11.1958. The cancellation G.O. was published in A.P. Gazette dated 03.12.1964 and the proceedings under Estates Abolition Act became final. Inamdars and other tenants filed claim petition being S.R.No.1 of 1971 before Tahsildar, Narsipatnam, for ryotwari patta. A patta in Form-VIII was issued on 15.4.1971. The same became final. In spite of the same, third respondent again started conducting enquiry. He sent a report dated 20.6.1996 to first respondent to reexamine the issue. Having come to know this, petitioner herein submitted a representation dated 09.2.2002 to the first respondent. He did not receive any reply. Subsequently on 29.3.2006, first respondent issued a memo requesting second

respondent to allow the third respondent to conduct enquiry. Aggrieved by the communication of the first respondent dated 29.3.2006, the present writ petitionis filed.

Learned Counsel for the petitioner submits that the determination that Kesavaram is not inam estate, has become final and petitioners were also granted pattas under Inams Abolition Act. Therefore, there cannot be re-enquiry at this point of time, is not warranted.

A perusal of the order of the Court of District Judge and Chairman, Estates Abolition Tribunal, dated 30.1.1986 in Tribunal Appeal No.1 of 1984 would show that the finding of the Settlement Officer in order dated 27.4.1984 that Kesavaram is not inam estate, was set aside and the matter was remitted to the Settlement Officer. He then addressed a letter to the first respondent through second respondent whether he can proceed with the enquiry or not. The Government only directed the second respondent to allow the third respondent to proceed with the enquiry as remanded by the District. While doing so, no finding was recorded by the Government. When we are only interpreting the order of the Estates Abolition Tribunal in T.A.No.1 of 1984, if the petitioner has any objection, he can raise all of them before the second respondent and in case any adverse order is passed holding that Kesavaram is not inam estate, he can still file appeal before the Estates Abolition Tribunal, under Section 9 of the Estates Abolition Act. The writ petition is wholly misconceived.

Giving liberty to the petitioner to raise all objections before the Settlement Officer, the writ petition is dismissed. No costs.

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(**V.V.S.RAO, J**)

July 02, 2007
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